

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

HOUSE COMMITTEE ON WATER POLICY

February 12, 1991Hearing Room D 1:30 p.m.Tapes 17 - 18

MEMBERS PRESENT:Rep. Chuck Norris, Chair Rep. Bill Dwyer, Vice-Chair Rep. Bill Markham Rep. Walt Schroeder Rep. Larry Sowa

VISITING MEMBER:Rep. Dave McTeague Rep. Jackie Taylor Rep. Bob Pickard

STAFF PRESENT: Beth Patrino, Committee Administrator Pat Zwick, Committee Assistant

WITNESSES:Angus Duncan, Pacific Northwest Power Planning Council William Young, Water Resources Department Jeff Curtis, ODF&W

MEASURE CONSIDERED:Update on Salmon Summit - Angus Duncan, member Pacific Northwest Power Planning Council.

Update on Columbia River Compact Commission - William Young, Director, Water Resources Department

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TAPE 17, SIDE A

010 CHAIR NORRIS: Calls the meeting to order at 1:30 p.m.

UPDATE ON COLUMBIA RIVER COMPACT

015 BILL YOUNG, DIRECTOR, WATER RESOURCES DEPT: Presents written testimony and a copy of SB 1 (1989 Session) (EXHIBIT A).

Paraphrases written testimony (EXHIBIT A).

080 Does the statute which says that the states of Oregon and Washington shall jointly manage the waters of the Columbia River have any meaning?

088 YOUNG: There are opportunities for cooperation and we have explored those.

There is cooperation on water quality and Oregon and Washington have spent time looking at Hanford impacts.

097 CHAIR NORRIS: Is there coordination when Washington or Oregon grants a substantial water right on the Columbia?

100 YOUNG: No formal process for doing that.

Not aware that a water right granted by the state of Oregon would be limited by any action that the state of Washington would take, or the reverse of that.

A Compact could be made to address those issues.

105 CHAIR NORRIS: Is the Compact involving the six states still active?

108 YOUNG: The possibility is there but none of the states present at the May 2, 1990 expressed much enthusiasm for further pursuing the Compact.

We have the existence of a substantial federal presence on the river.

An interstate organization created under the Northwest Power Planning Act deals with the matters of power and fish.

Sen. Kitzhaber thought that a Compact agreed upon and ratified by the states and Congress might act as a bar toward any potential out of basin transfers of water.

135 REP. MARKHAM: What was included in the discussion of instream flows?

140 YOUNG: Whether or not the involved states would have any interest in trying to establish certain anticipated, expected, instream flows.

We were aware that the state of Washington has adopted certain flows as instream or minimum flows on the Columbia and wanted to better understand the provisions.

150 REP. MARKHAM: Does Washington withdraw more or less water than Oregon on the mainstem where we adjoin?

155 YOUNG: Washington withdraws more water below Grand Coulee.

Unable to say where Washington's specific diversions are after the river becomes a boundary between Washington and Oregon.

160 REP. MARKHAM: Does Washington have instream water rights?

162 YOUNG: They have a mechanism for protecting flows instream. We were advised by Washington that those have not worked very well and have not been used as a tool to regulate use or distribution of water in the several years they have been in place.

170 CHAIR NORRIS: Were the minimum flows determined to be less than historical flows?

175 YOUNG: The flows established on the river by the state of

Washington are not flows that go beyond the normal experience.

UPDATE ON SALMON SUMMIT

190 ANGUS DUNCAN, PACIFIC NORTHWEST POWER PLANNING COUNCIL: Gives his background.

Issues are water, power, fish, and the endangered species act.

Gives history of fish in the Columbia River and the decline of the naturally spawning fish.

Fish have been lost by society's decisions on use of the river.

Reviews petitions filed under the Threatened and Endangered Species Act.

335 CHAIR NORRIS: Are there any suits pending now?

337 DUNCAN: No.

That is a testament to the Salmon Summit process.

Discusses summit process.

TAPE 18, SIDE A

DUNCAN: Continues his review of the work of the Salmon Summit and the effort to develop an acceptable management plan.

Summit is looking for a least cost solution that will have a reasonable chance of sustaining the fish runs and bringing them back to harvestable levels.

Have worked on the issues of flows, fish travel time, hatchery practices, habitat, and harvest.

All parties are agreed that there has to be a settled regimen for how the river is operated in 1991 by March 4.

065 REP. DWYER: How do the Hermiston withdrawal plans impact future developments and can the cost be justified?

075 DUNCAN: The Salmon Summit has contemplated trying to get water back from certain irrigation commitments by purchasing it through the Idaho Water Bank or by adding capacity to an irrigation storage dam. No one, at this point, is contemplating going after water which is already committed under state water rights law.

090 REP. DWYER: The Hermiston project would be an additional withdrawal.

095 DUNCAN: Can't speak specifically to the Hermiston project, but we are scraping for water in both the Snake and Columbia River basins wherever it can be found.

120 REP. PICKARD: How likely is closure on the Salmon Summit?

130 DUNCAN: There is the basis for agreement in the area of hatchery management, habitat action commitment, and harvest cutbacks. Curtailment of power is the remaining obstacle.

We are trying to achieve travel time gains for downstream juveniles, describe a way that you flex the dams to raise and lower the pools and add additional water, sometimes at the expense of the power system to get the fish to the ocean faster than their present travel time.

That will cost water that would otherwise be used for power generation.

If we can't reduce the fish travel time, the harvest piece falls apart, and the Salmon Summit falls apart.

190 REP. MARKHAM: Is the harvest of salmon a major contributor to their demise?

195 DUNCAN: In relation to the spring and summer chinook and the sockeye, the harvest level is negligible.

There is disagreement on the extent to which the harvest of fall chinook affects the ability of this particular sub-group, the Snake River fall chinook, affects their ability to survive.

225 REP. MARKHAM: What controls are being discussed at the Summit which will impact commercial and sport fishing?

220 DUNCAN: Have discussed with Washington and Idaho asking harvesters to pass through any gains made from other measures undertaken.

That is not yet an agreed to position.

We have also discussed harvest cut backs for the fall chinook.

Fall chinook that spawn in the upper Columbia River are not in serious danger of extinction.

250 REP. MARKHAM: Did you get involved in the ocean fishery and drift net problems?

255 DUNCAN: Yes. Oregon has taken the position, and we think we are joined by Washington, that if there are harvest cutbacks in the river there need to be harvest cutbacks in the ocean.

275 REP. SOWA: Will there be an automatic harvest cutback on the Canadian and Alaskan Treaty?

285 JEFF CURTIS, ODF&W: If the fish were listed, there would be a federal connection and you could probably reach the Alaskan harvest of upriver fall chinook.

Thinks the Canadian Treaty would have to be negotiated.

300 REP. DWYER: If National Marine Fisheries Service pulls the trigger, which states would be affected, and what would be the scope of the effect?

340 DUNCAN: It will affect anyone living in the watershed in which these fish swim; Oregon, Washington, Idaho, Montana, and possibly Alaska.

NMFS would begin a consultation process and if they conclude that there

would be an adverse effect to the listed species, it has the authority to preclude that action from taking place. That will mean harvest, the running of the dams, the way water is allocated, and fish screening to the extent BLM projects or water is used.

It is an extremely far reaching authority.

If there is a listing, NMFS could accept the Salmon Summit recovery plan and say if you deliver on that, that is an acceptable recovery plan. If you don't, we will devise our own.

385 REP. DWYER: Who would be expected to pay under the NMFS Plan?

390 DUNCAN: Everyone, to the extent that ones use of the resource was precluded or constrained by NMFS.

TAPE 17, SIDE B

CHAIR NORRIS: Has Oregon come to the table with any idea of how many lost jobs we are willing to throw into the equation through lost power output, irrigation, and barge transportation?

010 DUNCAN: We are concerned about the effect on peoples and feel we can be more solicitous than that provided under a listing process.

Don't think we can come to the table with a presumption of how many jobs we are willing to pass on per fish because the Endangered Species Act does not operate in those terms.

025 REP. MARKHAM: Can NMFS take into consideration what you are doing?

030 DUNCAN: They can, but they don't have to.

NMFS has given us every indication that they hope our process is successful.

035 REP. MARKHAM: Do you have faith in the biological data you are using?

040 DUNCAN: No, but it is the best available.

045 REP. DWYER: How could we mitigate and keep NMFS out of the process for anticipated filings for 200 other species of fish?

050 DUNCAN: If they are marine fish, there is no way to keep NMFS out of the process because they are the designated agency.

If we are successful putting our recovery program together and make reasonable judgements about habitat improvements, those judgements will be applicable in a lot of other places as well and it should be easier to get an understanding and agreement on what to do on other rivers.

What we do with the five species we are now dealing with should have a net beneficial effect on the additional species potentially to be filed on.

The five species selected for petition were not selected at random. They are the five species which are the most endangered.

075 REP. DWYER: Speaks of costs of screening. Where will money come

from and who is expected to pay for it?

080 DUNCAN: It will be a hard decision and power losses will be the most expensive part of the package. Will seek help from Senator Hatfield.

100 CHAIR NORRIS: Reads from a recent Pacific Northwest Utilities Conference Committee paper.

105 DUNCAN: The environmental and fish groups represented on the Salmon Summit have been paragons of responsibility in the process.

Commercial barges and discharges from the Hanford area and PGE plants are not problems for fish.

150 McTEAGUE: What is your sense about the impact of a recovery plan versus the potential for energy conservation if we got aggressive about it?

155 DUNCAN: More energy conservation and resources are going to be needed whether or not we have a fish problem in the river.

There is a lot of conservation out there and there will be more that is cost effective as other power costs go up and efficiency technologies improve.

We will need more power resource in addition to conservation because of the fish.

180 McTEAGUE: Do you think the fish listing and its effect on user groups and resources could shock this region out of its complacency?

195 DUNCAN: We no longer have a power surplus.

Lists consequences for irrigators: Power rates will go up Irrigation diversions will have to be screened Riparian areas and their control will have to be dealt with We will have to look for additional water where it does not presently exist

ODF&W and the Salmon Summit is trying to: Make sure that we are talking to legislators and agency heads Talk regularly to Hatfield's office Talk to different affected interests

The Summit is not being driven by any one party or interest.

275 CHAIR NORRIS: Encourages Duncan to keep the committee updated on the Salmon Summit progress and actions.

347 REP. SCHROEDER: With Oregon's increasing population, when will we reach the point where conservation only takes care of that increase?

350 DUNCAN: We are still going to have to build new generation. We should not assume that all of the opportunities for using energy more efficiently are already out on the table. Technology continues to advance.

380 CHAIR NORRIS: Asks those in the audience who are participating in the Salmon Summit identify themselves.

House Water Policy Committee will not meet on February 14.

It is anticipated that amendments to bills the committee has already heard will be ready for next Tuesday's meeting of the Committee.

Adjourns meeting at 2:55 p.m.

Submitted by:    Reviewed by:

Pat Zwick,            Beth Patrino, Assistant Administrator

EXHIBIT LOG:

A            -            Columbia River Compact Testimony - Bill Young - 2 pages